

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**SUPERSEDING INDICTMENT FOR PRODUCTION, RECEIPT, AND POSSESSION
OF MATERIALS INVOLVING THE SEXUAL EXPLOITATION OF MINORS,
NOTICE OF SENTENCE ENHANCEMENT, AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

* CRIMINAL NUMBER: 09-141

v.

* SECTION: "B"

DAVID A. LEWIS

* VIOLATION: 18 U.S.C. § 2251(a)
18 U.S.C. § 2252(a)(2)
* 18 U.S.C. § 2252(a)(4)(B)
18 U.S.C. § 2252(b)(1)
* 18 U.S.C. § 2252(b)(2)
18 U.S.C. § 2251(e)
* 18 U.S.C. § 2253

* * *

The Grand Jury charges that:

COUNT 1

(Production of Child Pornography)

Beginning at a time unknown and continuing until on or about April 21, 2009, within the Eastern District of Louisiana, and elsewhere, **DAVID A. LEWIS**, defendant herein, did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256 for the purpose of producing any visual depiction of such conduct, which visual depiction was produced using materials that had been mailed, shipped or transported in interstate or foreign commerce;

In violation of Title 18, United States Code, Section 2251(a).

COUNT 2

(Receipt of Child Pornography)

Beginning at a time unknown and continuing until on or about April 21, 2009, within the Eastern District of Louisiana, and elsewhere, **DAVID A. LEWIS**, defendant herein, did knowingly receive, and attempt to receive visual depictions, that is, digital images, computer images, and digital video files, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depictions were of such conduct.

All in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 3

(Possession of Child Pornography)

Beginning at a time unknown and continuing until on or about April 21, 2009, within the Eastern District of Louisiana, and elsewhere, **DAVID A. LEWIS**, defendant herein, did knowingly possess one or more matters, that is, computer hard drives and computer media containing digital images, computer images, and digital video files, which contained visual depictions that had been mailed, shipped, and transported in interstate and foreign commerce, and which were produced using materials which have been mailed, shipped, and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depictions were of such conduct.

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

NOTICE OF SENTENCE ENHANCEMENT

Now comes the United States of America, by and through Jim Letten, the United States Attorney for the Eastern District of Louisiana, to give notice that on or about July 19, 1985, the defendant, **DAVID A. LEWIS**, was convicted of Child Molesting, a class B felony, Cause No. GR-85-11, in Grant County, Indiana. Because of this conviction, if the defendant is convicted of violating Title 18, United States Code, Section 2251(a), the defendant's sentence will be subject to a minimum sentence of imprisonment of not less than 25 years and a maximum sentence of not more than 50 years. Title 18, United States Code, Section 2251(e). If the defendant is convicted of violating Title 18, United States Code, Section 2252(a)(2), the defendant's sentence will be subject to a minimum sentence of imprisonment of not less than 15 years and a maximum sentence of not more than 40 years. Title 18, United States Code, Section 2252(b)(1). Additionally, if the defendant is convicted of violating Title 18, United States Code, Section 2252(a)(4)(B), the defendant's sentence will be subject to a minimum sentence of imprisonment of not less than 10 years and a maximum sentence of not more than 20 years. Title 18, United States Code, Section 2252(b)(2).

FORFEITURE ALLEGATION

1. The allegations of this indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.
2. If convicted of the offense or offenses set forth above, **DAVID A. LEWIS**, the defendant herein, shall forfeit to the United States any and all materials and property used and intended to be used in the production, receipt, and possession of visual depictions of minors engaging in sexually explicit conduct, and any and all property, real or personal, constituting or

traceable to gross profits or other proceeds obtained from the offense. Such property includes, but is not limited to, the following specific items found by federal agents on or about April 21, 2009:


- 1) Acer Aspire AM3100 computer;
- 2) Seagate 320GB hard drive;
- 3) Inspiron 1150 Dell laptop computer;
- 4) Dell Dimension 8200 computer;
- 5) 8GB Sandisk flash drive.
- 6) Samsung Instinct cellular phone.

A TRUE BILL:

Foreperson



JIM LETTEN (8517)
UNITED STATES ATTORNEY



JAN MASELLI MANN (9020)
First Assistant United States Attorney
Chief, Criminal Division



JAMES R. MANN (20513)
Assistant United States Attorney



BRIAN M. KLEBBA
Assistant United States Attorney

New Orleans, Louisiana
May 28, 2009